THE HON'BLE MR JUSTICE V.V.S.RAO

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WRIT PETITION NO.856 of 1999

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Dated:13.02.2006

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Between:

Nagam Kotaiah, S/o. Tirumalaish,
R/o. atchampeta, Hamletof Bollupalli Panchayat,
Ardhavidu(M),Prakasam Dist., and others.

…Petitioners

and

Mandal Revenue Officer, Ardhavidu Mandal, Prakasam District

And others.

THE HON'BLE MR JUSTICE V.V.S.RAO

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WRIT PETITION NO.856 of 1999

ORDER:

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The petitioners who are 38 in number are residents of Atchampeta, Hamlet of Bollupalli Panchayat, Ardhavidu Mandal, Prakasam District. They were assigned house site pattas by proceedings dated 22.07.1993. Each house site admeasures Acs.0.02½ of land comprised in Survey No.16/1 of Ardhavidu Village. They allege that after obtaining possession of the land, they raised thatched houses in the land assigned to them and residing there. The petitioners further allege that on 04.01.1999 the Village Administrative Officer came to their huts and informed that they have to vacate the land as the house sites were allotted to other persons. Questioning the cancellation of allotment, the present writ petition is filed contending that the cancellation is illegal, as the same is not preceded by any show cause notice.

The Mandal Revenue Officer, the first respondent herein, has filed a counter affidavit

stating that the land in Survey No.16/1 of Ardhavidu Village was assigned to 78 beneficiaries, including the petitioners. As per the conditions of the assignment, they were required to occupy the house sites and construct houses. But, the petitioners have not occupied nor constructed any houses, even after a lapse of six years. Therefore, a show cause notice was issued by the Mandal Revenue Officer on 05.07.1998. Some of the petitioners received the show cause notices and some of them refused to receive the same. Therefore, the house site pattas were cancelled. It is also further stated that the petitioners have violated the conditions of allotment as per B.S.O.15(12)(3)(iii) and that the land is vacant even as on today.

Though the counter affidavit is filed along with W.V.M.P.No.1532 of 1999 in 1999, the petitioners have not filed any reply affidavit, denying the same, immediately. However, a reply affidavit is filed on 18.11.2002 denying issuance of show cause notice. It is further admitted that the allotment was made to others, but it is averred that it is only paper allotment, and that the petitioners are in actual possession of the property.

At the time of hearing, the learned Assistant Government Pleader has placed before this Court a letter, dated 24.06.2004, addressed by the first respondent to the Government Pleader for Revenue (Land Acquisition) along with photographs. A perusal of the same would show that out of 78 beneficiaries, no one occupied the land nor constructed any house. After perusal of the material, this Court is convinced that the respondents have followed the due process of law before cancelling the assignment. If the petitioners are aggrieved, they may approach the Revenue Divisional Officer for appropriate redressal. In this writ petition the relief as prayed for, cannot be granted.

The Writ Petition is accordingly, dismissed. No costs.

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(V.V.S.RAO, J)

13.02.2006

vs